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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,413	11/02/2001	Ivan Bachelder	C00-054	9100

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EXAMINER

CHAWAN, SHEELA C

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/000,413 ✓

Applicant(s)

BACHELDER, IVAN

Examiner

Sheela C. Chawan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,2,9,10 and 15 is/are rejected.  
7) ☒ Claim(s) 3-8,11-14 and 16-18 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 13 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendment filed on Dec 13, 2004 has been entered and made of record.

Claims 1-18 are pending in the application.

In response to applicant's submission of Replacement drawings sheets and Oath / Declaration, are accepted and the objections are withdrawn.

***Response to Arguments***

2. Applicant's arguments filed on Dec 13, 2004 have been fully considered but they are not persuasive.

3. In the remark, applicants have argued in substance that

1. Sarachik fails to teach or suggest automatic configuration of sub-models according to stability of features in the in said sub-models for computing position of each of said gauge entities.

In the reply, the examiner states the following.

As to point 1, with respect to the art rejection, the examiner has carefully considered applicant's argument, but firmly believes the cited reference to reasonably and properly meet the claimed limitation. The examiner does not agree with the remarks. As disclosed by Sarachik et al., (US.6,324,299 B1), does teach this limitation which is incorporated by reference in the prior art of record Sarachik (US.6,459,820 B1). Therefore, Sarachik et al., (US.6,324,299 B1) does teach an automatic configuration of sub-models (column 4, lines 27- 37) according to stability of features in the in said sub-

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models for computing position of each of said gauge entities (column 5, lines 1-16).

However, applicant is reminded that the claim language is given its broadest reasonable interpretation.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 9,10 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Sarachik (US.6,459,820 B1).

The applied reference has a common (assignee, need to fill out same inventor or common assignee) with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

As per claim 1, Sarachik discloses a method of gauging entities in an image comprising the steps of (abstract, column 2, lines 10- 18):

constructing a model data structure (geometric model corresponds to model, fig 2, element 22A, column 2, lines 53- 55);

identifying a set of gauge entities in said model (column 2, lines 52- 56);

automatically configuring sub-models according to the stability of features in said sub-models for computing position of each of said gauge entities (fig 3, shows computing position on each of the found submodels, column 2, lines 55-67);

locating said sub-models in said image (column 2, lines 55- 62);

computing positions of each of said gauge entities by reference to locations of located sub-models (fig 3, shows computing position on each of the found submodels, column 2, lines 55-67); and

determining the spatial relationship between said gauge entities (fig 5b, column 3, lines 1-14).

As to claims 2 and 10, Sarachik discloses the method further comprising the step of assessing said spatial relationships for compliance with preselected tolerances.

As per claim 9, claim 9 recites similar limitation as claim 1 above and similarly analyzed Sarachik teaches the step of an image acquisition device (fig 2, element 22A provides the input image, column 2, lines 50- 55).

As to claim 15, see the rejection of claim 9.

***Allowable Subject Matter***

5. Claims 3- 8, 11-14 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


**Contact Information**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Friday 7.30 - 4.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sheela Chawan  
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Group Art Unit 2625  
May 20, 2005

  
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